

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit

: 1775

Customer No.: 035811

Examiner Serial No. : Vivian Chen : 10/527,514

Filed

: March 10, 2005

Inventors

: Hiroyuki Tanaka

: Kunimasa Tanaka

: Rvosuke Matsui

Title

: BIAXIALLY ORIENTED POLYESTER FILM

Docket No.: TIP-05-1037

Confirmation No.: 9962 Dated: March 12, 2007

Mail Stop Petition

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Certificate of Mailing

For

Postcard

Petition to Resend Notice of Allowance Copy of Notice of Allowance dated November 14, 2006 Copy of Notice of Acceptance dated August 24, 2006 Copy of Combined Declaration, Power of Attorney and Petition

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

> Name of Applicant, Assignee, Applicant's Attorney or Registered Representative:

> > DLA Piper US LLP Customer No. 35811

By:	1/2	
Date:	12 MAR 2007	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1775

1775 Customer No.: 035811

Examiner : Vivien Chen Serial No. : 10/527,514 Filed : March 10, 2005

Inventors : Hiroyuki Tanaka Docket No.: TIP-05-1037

: Kunimasa Tanaka

: Ryosuke Matsui Confirmation No.: 9962

Title : BIAXIALLY ORIENTED POLYESTER FILM Dated: March 12, 2007

PETITION TO RESEND NOTICE OF ALLOWANCE

Mail Stop Petition

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

After a routine status check of the USPTO records on March 9, 2007, it was learned that a Notice of Allowance was issued November 14, 2006, copy enclosed. We immediately printed a copy of the Notice of Allowance and noticed that it was not addressed to the correct address of record and the title is incorrect. The Notice was addressed to the firm of Lowe Hauptman Berner, LLP at 1700 Diagonal Road, Suite 300, Alexandria, VA 22314. There should not have been an address change or a removal of this application from Customer No. 35811. A copy of the Notice of Acceptance dated August 24, 2006 is attached showing the correct address of record and customer number. Also enclosed is a copy of the Combined Declaration, Power of Attorney and Petition filed April 4, 2005.

We spoke with Examiner Chen on Monday, March 12, 2007 who agreed that there was no reason for such a change and it appears to be an error by the PTO. She recommended that we Petition to have the application reattached to Customer No. 35811 before the Notice of Allowance is remailed.

We respectfully request that the application be reattached to Customer No. 035811 and that the address be corrected to the office of the Attorney of Record, T. Daniel Christenbury at DLA Piper US LLP, One Liberty Place, 1650 Market Street, Suite 4900, Philadelphia, PA 19103.

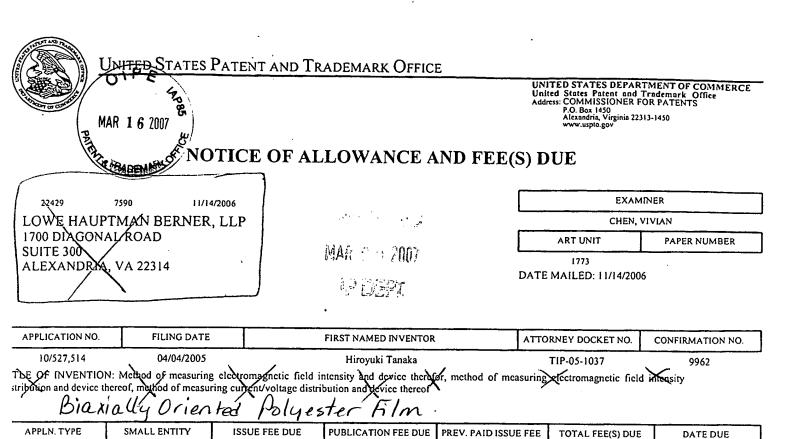
We also request that the Notice of Allowance be remailed and the time for response reset.

No fee should be required. If, however, it is determined that a fee is required, the Commissioner is authorized to charge any fee to Deposit Account No. 50-2719. This authorization is made in duplicate.

Respectfully submitted,

T. Daniel Christenbury Reg. No. 31,750 Attorney for Applicants

TDC/cc Attorney for Applie (215) 656-3381



HE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. ROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. HIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON ETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

\$300

\$1400

HE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE AILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS CATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES OT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS REVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM ILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW UE.

OW TO REPLY TO THIS NOTICE:

nonprovisional

Review the SMALL ENTITY status shown above.

the SMALL ENTITY is shown as YES, verify your current AALL ENTITY status:

If the status is the same, pay the TOTAL FEE(S) DUE shown

If the status above is to be removed, check box 5b on Part B - e(s) Transmittal and pay the PUBLICATION FEE (if required) d twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

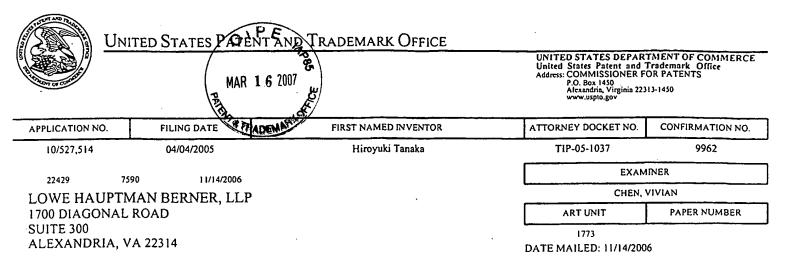
\$1700

02/14/2007

PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office SPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a juest to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing paper as an equivalent of Part B.

. All communications regarding this application must give the application number. Please direct all communications prior to issuance to all Stop ISSUE FEE unless advised to the contrary.

IPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of intenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 163 day(s). If the issue fee is paid on the date that is three months after the nailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half nonths) after the mailing date of this notice, the Patent Term Adjustment will be 163 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that letermines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or [571)-272-4200.

OIPE					
MAR 1 6 2007	Application No. Applicant(s				
141	10/527,514	TANAKA ET AL.			
Notice of Allowability	Examiner	Art Unit			
HOEMATE	Vivian Chen	1773			
The MAILING DATE of this communication appeal claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RID of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in or other appropriate commitmed GHTS. This application is	in this application. If not include nunication will be mailed in due	ed course, THIS		
			İ		
2. The allowed claim(s) is/are <u>1-12</u> .					
Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☑ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of					
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.					
Attachment(s)					
. Notice of References Cited (PTO-892)	5. Notice of In	formal Patent Application (PTC	⊢152)		
. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)		ummary (PTO-413),	,		
 Information Disclosure Statements (PTO-1449 or PTO/SB/08 Paper No./Mail Date 3/10/2005 □ Examiner's Comment Regarding Requirement for Deposit of Biological Material 	8), 7. Examiner's	/Mail Date Amendment/Comment Statement of Reasons for Allov	wance		

Art Unit: 1773

EXAMINER'S REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to disclose or suggest a biaxially oriented polyester film comprising a polyester having the recited melting point, said film having the recited combination of break strength in the machine direction at 120°C and bag drop strength index at 0°C, as the bag drop strength index test is defined in the specification (line 15, page 26 to line 8, page 27). Specifically, JAPANESE PATENT APPLICATION 2001-055454 fails to disclose the recited drop test values; JAPANESE PATENT APPLICATION 2001-179916 and the BLAND ET AL references fails to disclose the recited combination of drop test and break strength values.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Chen whose telephone number is (571) 272-1506. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 6 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

The General Information telephone number for Technology Center 1700 is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 30, 2006

Vivian Chen Primary Examiner Art Unit 1773

						BT79 nd	ed PCT/PM	1104	NAR SOR SAM
Form gTO-1443 PATENT AND		PARTMENT OF COMMERCE LARK OFFICE	OIF		ATTY. DOCKET TIP-05-1037	No	SERTLO.	527	514
-		•	MAD	7898 007	APPLICANTS	•		_	
LIST OF POIC	O A D'T C	CITED BY APPLICANT	MAR 1.6 2	007	Hiroyuki Tanaka	et al.			
(Use soveral sheers if		ATEU BY APPLICANT	FAR 162		FILING DATE	•	GROUP		
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			WHEN BY	<u> </u>	Herewith		<u> </u>		
	T	7	U.S.17	ATENT DO	OCUMENTS			T	
EXAMINER								FILING D	ATE
INITIAL*		DOCUMENT NUMBER		DATE	NAME	CLASS	SUBCLASS	IF APPRO	
	_ AA								
	AB.								
	, AC				L		· · · · · · · · · · · · · · · · · · ·		
	ĄD				ļ		<u> </u>		
	AE					 			
	AF AG		· · · · ·		<u> </u>				
<u> </u>	AH					-		 	
••	Al								· · · · · · · · · · · · · · · · · · ·
	LA							 	
	AK					1			
			FOREIGN	PATENT	DOCUMENTS	- 	<u> </u>	<u> </u>	
					l l	T	<u> </u>	T	
						İ		TRANSLA	TION
		DOCUMENT NUMBER		DATE	COUNTRY	CLASS	SUBCLASS	YES	NO
VC	AL	EP 591055 A		04/06/94	Europa				
VC	<u> </u>		· · · · · ·	04/00/94	Europe	 	/-		1
	. AM	EP 592284 A		04/13/94	Europe		/		
VC	AN	JP 2001-179916 A		07/03/01	Japan		1		
	AO								
· · · · · · · · · · · · · · · · · · ·	AP	<u> </u>				<u> </u>			
<u> </u>	1 71	*	<u> </u>		<u> </u>	<u> Li</u>			<u></u>
	''' '	OTHER P	RIOR ART (Includ	ding Author	Title, Date, Pertinent	Pages, Etc.)	·		
	1 1	······································		1	•	 -			
<u></u>	AR								
		•			·				
		·						·	
	AS	<u> </u>			•				
		-							
									
	AT								
EXAMINER		/Vivian Chen/			DATE CONSIDER	ED 04,	/30/2006		
*EXAMINER: In	itial if refe	rence considered, whether or not	citation is in confor	mance with	MPEP 609; Draw line	through citati	on if not in confor	mance and no	t considered.



PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE UNITED STATES DEPARTMENT OF COMM United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS PO. Box 1450 Alexandria, Viginia 22313-1450 www.uspto.gov

U.S. APPLICATION NUMBER NO.

MAR 1.6 2007

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

10/527,514

Hiroyuki Tanaka

TIP-05-1037

CONFIRMATION NO. 9962

INTERNATIONAL APPLICATION NO. PCT/JP03/11541

35811

IP GROUP OF DLA PIPER RUDNICK GRAY CARY US LLP

1650 MARKET ST **SUITE 4900**

PHILADELPHIA, PA 19103

I.A. FILING DATE

PRIORITY DATE

09/10/2003

09/10/2002

RECEIVED

SEP 1.8 2006

IPDEPT.

371 ACCEPTANCE LETTER

OC000000020324078

Date Mailed: 09/08/2006

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

04/04/2005

04/04/2005

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS

DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 03/10/2005
- Copy of the International Search Report filed on 03/10/2005
- Information Disclosure Statements filed on 03/10/2005
- Oath or Declaration filed on 04/04/2005
- Request for Immediate Examination filed on 03/10/2005
- U.S. Basic National Fees filed on 03/10/2005
- Priority Documents filed on 03/10/2005
- Power of Attorney filed on 04/04/2005
- Specification filed on 12/08/2005
- Claims filed on 12/08/2005
- Abstracts filed on 12/08/2005



Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)



PATERIA	MADEMARKE
×	Original Application PCT National Application U.S. Designated Office

Continuation or Divisional Application

Continuation-in-Part Application

COMBINED DECLARATION, POWER OF ATTORNEY AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled BIAXIALLY ORIENTED POLYESTER FILM

	which is described in the specification and claims				•
	attached hereto.				
	filed on	•			
	Application Serial No.				
	and was amended on	·. · · · · ·			
×	(if applicable) which is described in International Application No. PCT/JP2003/011541		·		
	filed 10 September 2003 and as amended on				
		· · · · · · · · · · · · · · · · · · ·		_(if any),	

which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

COMBINED * TCLARATION, POWER OF ATTORNEY TO PETITION (Page 2)

Attorney Docket No. TIP-05-1037

- I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International Application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate or of any PCT International Application having a filing date before that of the application on which priority is claimed:

Number	Country		Date of Filing (day,month,year)	Priority Claimed
2002-263755	Japan		10 September 2002	☑ yes □ no
				□ yes □ no
				□ yes □ no
	·			□ yes □ no
				□ yes □ no
(Application Serial No	.)	(Filing Date)	·	(Status)(patented,pending,abandoned)
(Application Serial No	.)	(Filing Date)		(Status)(patented,pending,abandoned)
			y appoint the following nt and Trademark Office	g registered attorneys to prosecute this connected therewith:
T. Daniel Christenbury	Reg. No. 31,750		Paul Carango	Reg. No. 42,386
Paul A. Taufer	Reg. No. 35,703		Steven A. Nash	Reg. No. 45,507
Darius C. Gambino	Reg. No. 41,472		Andrew A. Noble	Reg. No. 48,651

SEND CORRESPONDENCE TO: Customer No. 035811, whose contact information is: IP Group of DLA Piper Rudnick Gray Cary US LLP One Liberty Place, Suite 4900	DIRECT TELEPHONE CALLS TO ATTORNEY OF RECORD AT:
One Liberty Place, Suite 4900 1650 Market Street Philadelphia, PA 19103	(215) 656-3300

COMBINED CLARATION, POWER OF ATTORNEY PETITION (Page 3)

Attorney Docket No. TIP-05-1037

- I hereby petition for grant of a United States Letters Patent on this invention.
- I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I. FULL NAME OF SOLE OR FIRST INVENTOR	INVENTOR'S SIGNATURE	DATE			
Hiroyuki Tanaka	Hiroyaki Janaha	25 March 2005			
RESIDENCE	CITIZENSHIP				
Otsu, Japan	Japan				
POST OFFICE ADDRESS					
15-B4-12, Sonoyama 2-chome, Otsu-shi, Shiga, 520-6	0842, Japan				
2. FULL NAME OF JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE			
Kunimasa Tanaka	Kunimasa Tanaka	29 March 2005			
RESIDENCE	CITIZENSHIP				
Takatsuku, Japan	Japan				
POST OFFICE ADDRESS					
26-2, Nyoze-cho, Takatsuki-shi, Osaka 569-0827, Japan					
3. FULL NAME OF ADDITIONAL JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE ,			
Ryosuke Matsui	Ryosuka Matsu	29 March 2005			
RESIDENCE	CITIZENSHIP				
Otsu, Japan	Japan				
POST OFFICE ADDRESS					
Hokuen-ryo B-39, 13-1, Sonoyama 2-chome, Otsu-shi, Shig	ga 520-0842, Japan				
4. FULL NAME OF ADDITIONAL JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE			
RESIDENCE CITIZENSHIP					
POST OFFICE ADDRESS					
	· .				
5. FULL NAME OF ADDITIONAL JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE			
	· · · · · · · · · · · · · · · · · · ·				
RESIDENCE	CITIZENSHIP				
POST OFFICE ADDRESS					
6. FULL NAME OF ADDITIONAL JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE			
RESIDENCE	CITIZENSHIP				
POST OFFICE ADDRESS					
		· · · · · · · · · · · · · · · · · · ·			
7. FULL NAME OF ADDITIONAL JOINT INVENTOR, IF ANY	INVENTOR'S SIGNATURE	DATE			
RESIDENCE	CITIZENSHIP	CITIZENSHIP			
		<u>-</u>			
POST OFFICE ADDRESS					